

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are pending in this paper. Claims 1 and 8-10, which are independent, are amended. Support for this amendment is provided throughout the Specification, specifically at paragraph [0163] and Figure 4.

No new matter has been introduced. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-10 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication No. 2002/0164149 to Wilkinson (hereinafter, merely “Wilkinson”) and further in view of U.S. Patent Application Publication No. 2004/0042370 to Sugimura et al. (hereinafter, merely “Sugimura”) and further in view of U.S. Patent No. 6,883,111 to Yoshida et al. (hereinafter, merely “Yoshida”).

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

...wherein the first data includes a body portion of the file, the second data includes a header portion of the file, and the third data includes a footer portion of the file,

wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, **the first data being either video data or audio data organized according to an edit unit, and when the first data is video data, the first data corresponding to each edit unit matches a boundary of a sector unit of the recording medium.** (emphasis added)

Applicants submit that Wilkinson, Sugimura, and Yoshida, taken either alone or in combination, fail to disclose or render predictable the above-identified features of claim 1. Nothing in either of the references discloses or renders predictable “**wherein the first data includes a body portion of the file, the second data includes a header portion of the file, and the third data includes a footer portion of the file,**” and “wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, **the first data being either video data or audio data organized according to an edit unit, and when the first data is video data, the first data corresponding to each edit unit matches a boundary of a sector unit of the recording medium,**” as recited in claim 1.

Specifically, the Office Action (see page 4) recites paragraph [0063] of Wilkinson to reject “;” “wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data,” as required in Claim 1. Applicants respectfully disagree. Paragraph [0063] of Wilkinson describes the header metadata file. In contrast, the first data of claim 1 includes a body portion of the file. Applicants submit that it is non-obvious for a person

of ordinary skill in the art to apply file format of header metadata to a body portion of the file. Moreover, Wilkinson fails to disclose or render predictable that the first data is **either video data or audio data**.

Therefore, claim 1 is patentable.

For similar, or somewhat similar, in scope to claim 1, Claims 8-10 are therefore patentable for similar, or somewhat similar, reasons.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. As nothing in the prior art cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

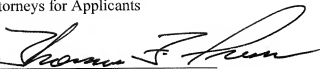
Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800